HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.31149 OF 1998

ORAL ORDER:

The petitioner herein claims to be the owner and possessor of the premises bearing Plot No.4, situated in Sy.No.128/1 at Yousufguda, Hyderabad. It is stated that having obtained necessary permission from the respondent-Corporation, the petitioner constructed a building in the plot in question. While so, a notice dated 7.11.1998 was served by the respondent-Corporation on the petitioner under Section 452 of Hyderabad Municipal Corporation Act, 1955, proposing to demolish fifth floor of the building, alleging deviations from the sanctioned plan.

Aggrieved by the same, this writ petition is filed stating that in terms of G.O.Ms.No.419, MA & UD Department, dated 30.7.1998 providing one time opportunity to the individuals for regularization of the unauthorized constructions, the petitioner had already submitted an application dated 30.8.1998 duly paying the prescribed fee and while keeping the same pending, the respondents are not justified in proposing to demolish the constructions made by the petitioner.

Despite *Rule nisi* ordered by this Court on 9.11.1998, no counter affidavit has been filed on behalf of the respondent so far. The interim stay of demolition granted by this Court continued to be in operation throughout.

Having regard to the facts and circumstances and in the absence of any counter affidavit by the respondent, without expressing any opinion as to the entitlement of the petitioner for regularization as sought by him, I deem it appropriate to dispose of the writ petition with a direction to the respondent to consider the representation of the petitioner dated 30.8.1998 and pass appropriate orders in accordance with law, if not already passed, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of this order. Till such time, the stay of

demolition ordered by this Court on 9.11.1998 shall continue. No costs.

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(G. ROHINI).

10th April, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.31149 OF 1998

10th April, 2007.

Between:

B. Somi Reddy. .. Petitioner.

And

The Municipal Corporation of Hyderabad,
represented by its Commissioner,
Tank Bund Road, Hyderabad. .. Respondent.